

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RAQUEL WELTE,

Plaintiff,

v.

Case No. 12-C-19

ROBERT TOTEN, JR., et al.,

Defendants.

ORDER

Plaintiff has filed a *pro se* action under 42 U.S.C. § 1983. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *Nietzke v. Williams*, 490 U.S. 319, 324 (1989). An indigent plaintiff may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). Plaintiff filed the required affidavit of indigence. Upon review of that affidavit, it appears that plaintiff could not pay the \$350 filing fee.

Section 1915 also requires courts to “screen” complaints to ensure that indigent plaintiffs do not abuse the ability to bring cases without paying a filing fee. Plaintiff’s complaint appears to seek relief that is unavailable in a lawsuit such as this. She asserts that a court in Oconto county,

with the aid of Defendant Toten and his attorney, is denying various of her rights by requiring her to pay certain fees and making other rulings with respect to visitation rights with her child. For relief, she asks that Toten be required to stop harassing her by the use of fraudulent court filings and that his attorney be investigated by a special prosecutor.

Litigants are often unhappy with the results of their case, perhaps particularly in the area of family law where tensions and emotions often run high. The proper course, however, is to file an appeal, not to file a federal lawsuit challenging the results of the state proceedings. A federal court cannot order a state court to make the kinds of rulings Plaintiff seeks here, nor can it appoint an investigator. Accordingly, the complaint will be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED that plaintiff's request to proceed *in forma pauperis* is granted and the filing fee is waived.

IT IS FURTHER ORDERED that the complaint is **DISMISSED**.

Dated this 6th day of January, 2012.

s/ William C. Griesbach
William C. Griesbach
United States District Judge